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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,796	06/27/2003	Mathias Bieringer	10191/3180	6870
26646	7590	03/20/2006	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			KASENGE, CHARLES R	
			ART UNIT	PAPER NUMBER
			2125	
DATE MAILED: 03/20/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/608,796

Applicant(s)

BIERINGER, MATHIAS

Examiner

Charles R. Kasenge

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4,6-9,15-17 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-9,15-17 and 19-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Remarks, filed 2/9/06, with respect to the rejection(s) of the claim(s) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Mouri et al. U.S. Patent 4,564,907.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 4, 6-9, 15-17 and 19-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Mouri et al. U.S. Patent 4,564,907. Referring to claims 1, 15-17 and 20, Mouri discloses a method for controlling an execution of a computer program having multitasking capability on a microprocessor of a controller for at least one of controlling and regulating a driving dynamics system in a motor vehicle that is able to assume various possible system states (col. 11, lines 30-47), the computer program being subdivided into a plurality of tasks to which various priorities are allocated (col. 9, lines 4-45), the tasks being processed in various time patterns in a certain processing sequence depending on the time patterns and the priorities of the tasks (col. 15, lines 30-53), the method comprising: on a functional plane, subdividing the computer program into a plurality of functionally linked functionalities, each comprising at least

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one of the tasks (col. 9, lines 34-64); allocating specifiable operating states to the functionalities for each of the system states (col. 12 and 13, lines 48-68 and 1-24); defining transition conditions for each possible transition of one of the system states into another of the system states (Fig. 14; col. 12 and 13, lines 48-68 and 1-24); and controlling the execution of the computer program in such a way that the system is transitioned from a first system state into a second system state only when all of the transition conditions defined for the transition have been fulfilled (col. 12 and 13, lines 48-68 and 1-24); wherein the transition conditions are satisfied if at least the functionalities which characterize the second system state have the operating states allocated to them for the second system state (col. 12 and 13, lines 48-68 and 1-24)

Referring to claims 3, 4, 19 and 21, Mouri discloses the method as recited in claim 1, wherein each one of the transition conditions includes at least one transition interrogation and at least one corresponding transition value as a response given to the transition interrogation, the one of the transition conditions being regarded as having been fulfilled when the transition value is returned as the response to the transition interrogation (col. 12 and 13, lines 48-68 and 1-24). Mouri discloses the method as recited in claim 3, further comprising: filing storing the transition values in a transition table (Fig. 8 and 9).

Referring to claims 6-9, Mouri discloses the method as recited in claim 1, wherein each of the operating states is defined by an operating state variable which is able to take on various operating state values, and wherein the transition conditions are satisfied if at least the operating state variables of the functionalities which characterize the second system state have the operating state values defined for them for the second system state (col. 12 and 13, lines 48-68 and 1-24). Mouri discloses the method as recited in claim 6, wherein the operating state variable

is able to take on operating state values corresponding to the settings "full functionality", "limited functionality" and "no functionality" (col. 12 and 13, lines 48-68 and 1-24). Mouri discloses the method as recited in claim 1, further comprising: assigning a transition table to each of the functionalities (Fig. 8 and 9; col. 12 and 13, lines 48-68 and 1-24; Table 2). Mouri discloses the method as recited in claim 1, wherein a plurality of functionalities are combined into a component and a transition table is assigned to the component (Fig. 8 and 9).

Referring to claims 21-25, Mouri discloses the method as recited in claim 1, wherein an availability of at least one input variable required for performance by the computer program of at least one task is dependent on performance by the computer program of at least one other task, and wherein satisfaction of at least one of the transition conditions is dependent upon the availability of the at least one input variable for the performance of the at least one task (col. 9, lines 6-33). Mouri discloses the method as recited in claim 21, wherein a frequency of performance of the at least one task and a frequency of performance of the at least one other task differ (Table 2). Mouri discloses the method as recited in claim 4, wherein the transition table is a knowledge database stored on a storage element (Fig. 8 and 9).

### ***Conclusion***

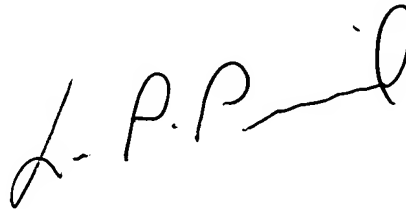
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Kasenge whose telephone number is 571 272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK  
March 7, 2006

A handwritten signature in black ink, appearing to read 'L. P. Picard', with a stylized flourish at the end.

**LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**